

SENTENCE.

IN THE NAME OF THE QUEEN!

The Temporary Court-martial in Macassar in the case of the Prosecutor, *ratione officii* against:

- I. SAKURAI, Yoshifumi  
aged 47, born in Tokyo, Nishitama Gun, Nishitama mura Hano No. 350, former Captain and 1st Medical Officer of the Japanese Navy in Macassar; under arrest;
- II. AKIYAMA, Hisayuki  
aged 28, born at Haraki ken, Inashiku Gun, Kanae Zumura, former Captain and dispenser of the Japanese Navy in Macassar; under arrest.

In view of the order by the Prosecutor in Macassar dated 15th January 1947 committing the case for trial by the Temporary Court-martial, in which order the accused <sup>are</sup> charged:

Ad. I. With regard to the first accused:

"that, as a subject of the enemy power Japan, during the time that he as 1st Medical Officer of the 23rd Special Naval Base Force and medical director of the Macassar branch of the 102nd Naval Hospital SURABAYA, was charged with the medical care of the prisoners of war in Macassar, namely, from 21st November 1943 to 15th August 1945, therefore in time of war, he treated the Dutch, English, American and Australian prisoners of war in the prisoner of war camp in Macassar badly by, contrary to the laws and customs of war:

1. providing them with insufficient medicines (especially life saving drugs), instruments, dressings and disinfectants, although these were present in sufficient quantities in South Celebes:
2. although this point was brought clearly to his notice, taking no steps to improve the hygienic situation in the camp (pig-stye next the kitchen, water-wells next cess-pits, bad carrying off of faeces, swampy ground) and to increase the number of medical attendants:
3. taking no measures to improve the feeding of the prisoners of war in general and the diet of the sick and convalescents (avitaminoses, abdominal patients) in particular, although the lack of vitamins, albumen, minerals and fats in the food provided was made known to him by the Dutch doctors in the camp:
4. taking no measures when he was informed that as a result of working with material extremely harmful to health, namely lydite, several prisoners of war suffered from serious inflammation of the limbs and organs:
5. taking no measures to prevent the sick, weak and old prisoners of war from being given work to do which was much too heavy in comparison with their physical state.

Ad. II. With regard to the second accused:

"that, as a subject of the enemy power Japan, during the time that as head of the dispensing department of the Naval Hospital in Macassar he was charged with the supplying of medicaments to the prisoners of war camp in Macassar, namely, from 2nd November 1943 to 15th August 1945, therefore in time of war, he treated the Dutch, English,

American and Australian prisoners of war in the said camp badly by, contrary to the laws and customs of war, providing them with an insufficient supply of medicines (especially life saving drugs), instruments, dressings and disinfectants, although these were present in sufficient quantities in South Celebes".

All of which facts, at anyrate one or more of them, mentioned under I and II, were jointly responsible for causing the death and/or physical and / or mental suffering of many prisoners of war.

The accused having been ordered to appear at 8 a.m. on Thursday, 23rd January 1947 before the Temporary Court-martial in Macassar sitting in the Palace of Justice in the Julianaweg, Macassar;

In view of the serving of the writ of the above committal order dated 20th January 1947;

In view of the demand read out by the Prosecutor and then handed to the Court-martial, to the effect that the Allied Court-martial in Macassar declare the accused:

- I. SAKURAI, Yoshifumi  
and
- II. AKIYAMA, Hisayuki

guilty of the war crimes,  
the first accused, SAKURAI, Y.,

- I. intentional withholding of medicines, instruments, dressings and disinfectants from Dutch, English, American and Australian prisoners of war;
- II. intentional neglect in the controlling of the hygienic situation, invalid diets and conditions of work of Dutch, English, American and Australian prisoners of war;

the second accused, AKIYAMA, H.,

intentional withholding of medicines, instruments, dressings and disinfectants from Dutch, English, American and Australian prisoners of war;

and shall therefore sentence the accused one and two each to the DEATH PENALTY.

In view of that dealt with at the sitting as this has been set down in the record made of same.

In view of the documents in the case insofar as use was made of them and they shown to and seen by the accused.

In view of that which was advanced in their defence by counsel for the accused.

The accused having been heard deny the charge.

CONSIDERING that the Macassar P.O.W. camp was originally housed in the infantry barracks on the shore road and was transferred on 5th July 1944 to a bamboo camp especially built for the purpose and situated in Mariso village on the side nearest the sea; which transfer meant the exchanging of brick huts situated in a high and dry camp for a bamboo shelter built on an originally swampy and marshy plain which had been hastily and insufficiently heightened and drained.

CONSIDERING that there was a proper water supply in the first camp and sufficient opportunity for sports, there being several grounds suitable for this purpose, but that in the second camp the former was extremely scarce while no possibilities of any sort for the recreation of the P.O.W.'s were provided.



CONSIDERING that at the same time that the P.O.W. camp was re-housed its character was completely changed, seeing that although in the infantry barracks a good deal of work, heavy work too, was certainly demanded of the P.O.W.'s, the camp at Mariso became entirely a labour camp, put completely at the service of the Japanese war operations, every ounce of labour being exploited in the approved Japanese manner.

CONSIDERING that the above forms the background of the facts which happened in the Macassar prison camp where Dutch, American, English and Australian P.O.W.'s - naval and military - were housed by the Japanese occupant.

CONSIDERING that the first accused has admitted that he was head doctor of the 23rd Special Naval Base Force in Macassar from 21st November 1943 till the capitulation in August 1945, also chief medical officer of the naval hospital; as such was the highest naval medical authority on the spot and was on the staff; that the P.O.W. camp came under the Navy in Macassar so that as far as medical care was concerned it was under his supervision.

CONSIDERING that the Court-martial, agreeing with the charge, is of the opinion that according to the Rules of Landwarfare of 1907 and the Convention of 27th July 1929 concerning the treatment of prisoners of war the following must be understood as falling under medical care:

- A. preventive:
  - a. feeding (art.11, 22, Convention 1929)
  - b. clothing (art.12)
  - c. Housing (art.10)
  - d. work (weak, old, art.27)
  - e. recreation (art.17)
  - f. hygienic situation (art.10 and 13.)
- B. repressive:
  - a. medical arrangements (Hospital attendants, art.14)
  - b. medicines (especially life-saving)
  - c. disinfectants
  - d. dressings
  - e. instruments (hypodermic syringes, surgical, art.14)
  - f. diet, (extra food for the sick and convalescents).

CONSIDERING that the task of the medical head was really concerned with the points appearing under B but that those under A ought also not to escape his attention, seeing that where the points mentioned under A are at the base of illness keeping an eye on them, and above all on the hygienic situation, must be considered as the first duty of a medical man.

CONSIDERING that there were two ways by which the first accused could and ought to have kept himself informed of the above-mentioned points (preventive and repressive):

- A. written and verbal reports,
- B. inspection, i.e. personal observation;

CONSIDERING that from the investigation at the sitting clear proof has been furnished of all that which by means of reports and inspections the first accused could have learnt about the prisoner of war camp with regard to those points mentioned above as falling under medical care, it having in fact appeared that:

- A. - a. the first year or so the feeding was reasonable but even then insufficient for heavy jobs of work; the last 1½ years it was very one-sided, rice with a lot of "gaba" three times a day, seldom or never fruit, no eggs, very few fresh vegetables, generally dried, dry, poor, uneatable fish with very little albumen content, practically no meat, very little fat, the food therefore chiefly consisting of carbo-hydrates with a shortage of fats, albumen and vitamins.
- Result: deficiency diseases (swift decline of the powers of resistance) such as beri-beri, pellagra, hunger oedema and some

cases of scurvy.



cases of scurvy.

- b. the clothing insufficient and giving no satisfactory protection against the influence of the weather and weather conditions;
- c. the housing in the infantry barracks (accommodation, quarters and ventilation) was thoroughly unsatisfactory with a completely inadequate number of mosquito nets, several cases of malaria resulting from this; the housing in the Mariso camp was more than bad, starting from the very fact that it was a bamboo built camp, erected on marshy and badly drained ground;
- d. the work was too heavy, both for the healthy and for the weak and old; powers of resistance declined swiftly owing to a too great effort being demanded.  
Being forced to work with lydite and given no protection against it, the result being a great number of burns of skin and mucous-membrance; too few rest days; hours of work as a rule from 8 a.m. to 6 p.m., it repeatedly happening that various labour gangs only returned at 10 p.m.; patients were forced to leave hospital too soon and before they had recovered in order to take part in jobs; several cases in which a man on a job did not even get half a day off for rest in 90 days;
- e. possibilities for recreation were entirely lacking in the Mariso camp, the effects of this showing now that too heavy work was demanded, ill-treatments and tortures were a regular thing, a permanent psychological terrorism was carried out by the camp guards, (especially by YOSHIDA, KAKOI, TERAUKA and ISHIKAWA), bombing steadily increased in intensity and came nearer and the morale of the P.O.W.'s, as well as their powers of physical resistance, was very severely tried;
- f. the hygienic situation was very bad in the Mariso camp. The capacity of the latrines was too small, especially in connection with the high water contents of the ground, so that the cess-pits had to be regularly emptied into open drains and holes, the chance of infection thus being increased; washing with brackish water; only a few taps, namely in the kitchen, dispensary and operating-room; unsuitable arrangements of the latrines which were put too close to the water-wells; no incinerator; a pig-stye in the immediate neighbourhood of the dormitories and sick-bay; for all of which reasons the W.C.'s and kitchen were always black with flies.

- B. - a. the hospital was bad: wells for bath water were dug just by the cess-pits thus providing every chance of infection; too few hospital attendants were allowed, this meaning that these latter were overworked, themselves caught the infection and died, and the patients could not be cared for satisfactorily; no water laid on for the dysentery huts but only well water; the bamboo huts provided no proper housing for various of the patients;
- b. the supply of medicines was hopeless: this was sufficient for the first 6 months but after that became steadily worse and finally quinine, Epsom salts and ointments were almost entirely stopped; the provision of life saving drugs such as sulphur drugs, emetin, vitamins, serums and vaccines was very insufficient or practically non-existent;
- c. disinfectants provided in insufficient quantities, in fact sometimes not provided at all (lysol, etc.); this also during the dysentery epidemic of 1944 - 1945, when they were either not supplied or only in very insufficient amounts.
- d. & e. dressings and instruments often entirely lacking;
- f. diets and extra food for the sick were practically impossible; the patients very seldom got extra food so that the sick had to be supplied with the ordinary camp food also;  
~~Result:~~ no suitable diet could be drawn up for abdominal patients which contributed very much to the deaths among such patients (dysentery).

CONSIDERING that the-



CONSIDERING that the results of this inadequate and sometimes entirely lacking medical care, for so far as not already mentioned above, are shown clearly in the list (product L blue) of dead P.o.W.'s with the cause of death against each name which Dr. BAKER handed over to the Prosecutor when he, Dr. BAKER, was interrogated on 8th August 1946, and which list was read out to and seen by the accused at the sitting;

CONSIDERING that this list contains 163 cases of pellagra, 162 of dysentery and 51 of beri-beri, some of these being combined, with a death-roll of sometimes 5 to 7 per day, the total figure being 323 out of a camp strength of approximately 1200 men;

CONSIDERING that a weekly statement of deaths with the cause of same was given to the first accused, while illness reports were also sent weekly to his office by the head camp doctor, so that ~~the~~ by these the accused could already have obtained a complete picture of the state of health in the P.o.W. camp, which statements and reports he admits having regularly inspected, the accused having also further acknowledged at the sitting that he personally received a daily statement from the camp guard during the dysentery epidemic (1944/5);

CONSIDERING that the first accused was informed of the requests coming from the camp for medicines, which applications were submitted to him every 3 months by the second accused - as will be explained in detail further on - the second accused stating what things asked for in these applications should be supplied; indeed, the first accused initialled the lists of medicines supplied as being <sup>in</sup> agreement with them;

CONSIDERING that the first accused, either by personal inspection or by inspections carried out by his medical subordinates on his orders, or in some other way, should have acquainted himself with all that has been classified above under the heading of medical care, and this especially during the dysentery epidemic mentioned previously;

CONSIDERING that the accused grossly neglected this task which was incumbent upon him, indeed according to his own statement at the sitting he was only able to answer among other things as follows:

"I once inspected the P.o.W.'s food, that was in February 1945; I found then that it was satisfactory and the same as given to our own troops.

I know nothing about the clothing in the first camp but in the Mariso camp it got worse as time went on. The housing was not very different from that of the Japanese navy. I do not know whether there were enough mosquito nets or not. I did have a look at the work now and then but never investigated it; I really know nothing about that. As far as recreation was concerned I must say I only went into the library.

I never went into the hygiene in general. I think the hygienic situation was good in the camp up to the dysentery epidemic. I did not check whether the number of hospital attendants was sufficient.

I grant that the hygienic situation in the Mariso camp hospital left something to be desired. I did not know that no water was laid on in the dysentery huts. I cannot say either whether the medical care was the same as that in the naval hospital for I never checked this and left everything to the P.o.W.'s own doctors.

As far as medicines and disinfectants were concerned I left these entirely to AKIYAMA. I do know certain medicines such as sulphur drugs and vitamins were issued in insufficient quantities because they were in short supply. Dysentery serum was not supplied because we did not use this in our navy. I do not know whether there was any emetin. I did not inform myself of the situation regarding dressings and instruments. I do not know if patients got extra food but I did once examine the diets and found these satisfactory."

CONSIDERING that at the sitting the first accused stated further that he knew nothing about the medical treatment given by the camp doctors: he had wanted to talk to them occasionally but was not in a position to do so owing



to the difference in languages; and this while there was an officer interpreter among the P.o.W.'s who both spoke and wrote Dutch and Japanese as the accused knew;

CONSIDERING that at the sitting the accused stated that he cannot remember the pellagra report drawn up by Dr. BAKKER (product H. blue) which was read out and shown to him, adding that he only heard about pellagra for the first time when serving in Macassar; that he studied this illness and came to the conclusion that vitamin B6 was good here, and as dysentery and pellagra generally appeared together he drew the conclusion from this that pellagra was a result of dysentery;

CONSIDERING that a single interview with one of the P.o.W. camp doctors could have shown him the falseness of this conclusion, and also let him know that both beri-beri and pellagra are typical deficiency diseases caused by a too one-sided diet and a shortage of certain vitamins;

CONSIDERING that one word from the first accused to the Naval H.Q. would have been sufficient to change a good deal to the better for the P.o.W.'s, which the accused himself has admitted, illustrating this with the example that at his instigation the P.o.W.'s were only to have to work outside every other day - which proposal however was not put into effect - the accused also never investigating to see whether it was carried out or not;

CONSIDERING that in every respect the first accused grossly neglected his duty and must be made jointly responsible for all those results which the failure of medical care had for innumerable P.o.W.'s;

CONSIDERING that the second accused has admitted having been head dispenser of the 102nd Naval Hospital in Macassar from 2nd October 1943 till the capitulation in August 1945, and that the dispensary at this hospital had to provide the P.o.W. camp - which came under the navy in that place - with medicines, disinfectants, dressings, etc.;

CONSIDERING that the second accused added further that this dispensary came under the main depot at SURABAYA, the head of which was Lieutenant Commander MICHIOZU, who was his immediate chief and whom he had to ask for all medicines etc., as it was Lieutenant Commander MICHIOZU who had to see to the supplying of medicines in the whole of the Indies and for this purpose was in contact with the great naval dispensary at KOERE (Japan);

CONSIDERING that the second accused has explained in detail how the requests for medicines made by the head doctor of the P.o.W. camp were sent in to him; he passed on the requests to the head of the distribution department, a non-commissioned ~~officer~~ hospital orderly who gave him a verbal explanation about the medicines asked for; that he - the second accused - then decided which medicines should be issued and in what quantities; that the requests then went to the first accused who generally initialled them as "seen" without having gone through them; that he - the second accused - was the man responsible for the supplies of medicines and sometimes advised the first accused to issue more of some medicines and less of others than he - second accused - had fixed; that the first accused was certainly the head naval doctor in Macassar but that he - second accused - was responsible for what was in stock so that he could not always do what the first accused advised as he had also to supply medicines to the Japanese navy in the hospital and in the field;

CONSIDERING that evidence was furnished at the sitting of how the issuing of medicines (especially the life saving drugs), instruments, dressings and disinfectants was done during the time the second accused was in charge, this evidence appearing especially in the medical report by Dr. BAKKER, GANS and van INGEN SCHENAU, the statements made by Dr. BAKKER during the general investigation and the applications for medicines made on 17th January and 10th May 2605 (products I<sup>1</sup> and I<sup>2</sup> blue) read out in extenso and



shown to the accused, and the notes appearing on them as to what was finally issued by the second accused;

CONSIDERING that the statements by the witnesses v.d.BORNE, KILLIAN and PONT, which were all made during the general investigation, were strengthened by oath and read out to and shown the accused at the sitting, satisfactorily refute the assertion made by the second accused that he issued what he could while the second accused himself has conceded that when an application had to be made to the head depot at SURABAYA for a certain medicine and this was received at Macassar, the second accused did not issue it at once in the interim but waited until the next 3 monthly application reached him;

CONSIDERING that detailed evidence has been accumulated that the patients in the naval hospital had very much better housing and medical attention and received a much better issue of medicines than sick P.O.W.'s;

CONSIDERING that the enemy power Japan as a co-signatory of the Hague Convention of 18-1-1907 and the ratification joined to it was bound by the provisions of the Rules of Landwarfare;

CONSIDERING that the Geneva Convention of 1929 was certainly signed by Japan but only ratified as far as the Red Cross was concerned, but that the convention in question must be regarded as a law of war applying generally seeing that it contains a confirmation of general international conceptions already existing and its contents, both by being laid down and since they were done so, have been received as the prevailing international law by which the belligerent power Japan is also bound even without ratification;

CONSIDERING that the actions by both accused which form the subject of the charge all constitute violations of the provisions and principles of the international law appearing above;

CONSIDERING that the Court-martial has been convinced by the previously mentioned legal evidence that all the facts charged have been committed, constituting the war-crimes to be qualified further on in the dictum, and that accused are guilty thereof, on which account they must be declared guilty and sentenced to punishment;

CONSIDERING with regard to the punishment, that the failure by the first accused to do his duty led to the death of several prisoners of war and caused the irremediable physical and mental suffering of innumerable prisoners entrusted to his care from the medical point of view, the first accused not having advanced anything which in the Court-martial's opinion shows reason for clemency to be exercised so that the death penalty demanded is rightly proportionate to the gravity of the crime;

CONSIDERING that the second accused, like the first accused, flagrantly fell short in his task and that the results mentioned above can be laid to his door also, but that with regard to him the Court-martial wishes to take into consideration that the first-accused, as the highest medical naval officer in Macassar, could to a certain extent have exercised a favourable influence with regard to the issuing of medicines to the prisoner of war camp had he used his full weight as a staff officer to turn the scales in favour of the prisoners;

CONSIDERING that on this ground the responsibility of the first accused, and therefore his liability to punishment, must be considered greater than that of the second accused;

In view of the decision taken by the Court-martial at the first sitting that the two accused shall be kept under arrest during the trial;

In view further of the above-mentioned provisions in conjunction <sup>with</sup> Statute Books 44, 45, 46 and 47/1947;

Administering the Law -

ADMINISTERING THE LAW  
IN THE NAME OF THE QUEEN!

Declares the accused named at the head of this judgment,

- I. SAKURAI, Yoshifumi,
- II. AKIYAMA, Hisayuki,

each guilty of the war crime:

"bad treatment of prisoners of war",

Sentences them therefore:

1st accused: to the DEATH PENALTY;

2nd accused: to life-long imprisonment;

Maintains the decision that the accused be kept under arrest;

Understands that the costs of trial will be borne by the State.

Sentence passed on 25th January 1947 by:

Lt.Col.Dr.N.M.VELLENGA, Inf.Res.K.N.I.L.	President
Maj.J.F.HARTMAN, British Army	Members
Capt.J.A.STRUYENKAMP, Inf., K.N.I.L.)	

in the presence of:

1st Lt.Dr.J.H.HORNUNG, Inf.Res.K.N.I.L. Secretary

and resumed and decreed the same day, Maj.J.F.HARTMAN being unable also to sign this sentence owing to his having left for Singapore.

The member,  
s/Struyenkamp.

The President,  
s/Vellenga.

The Secretary,  
s/Hornung.

No.7/18/2.

Fiat of execution granted,  
Macassar, 13th March 1947.  
The Resident of South Celebes,  
s/Lion Cachet.

Pronounced in public session of the Temporary Court-martial on 28th March 1947 by Lt.Col.Dr.N.M.VELLENGA, Inf.Res., president, in the presence of Capt.J.A.STRUYENKAMP, Inf. and Capt.ABDULLAH daeng MAPPOEDJI, Inf.Res., members, 1st Lt.Dr.J.H.HORNUNG, Inf.Res., Secretary, Dr.S.D.EMANUELS, prosecutor, as well as in the presence of the accused and their counsel.

The Secretary,  
s/Hornung.

The President,  
s/Vellenga.